

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

RAFAEL CALLEJAS,

Defendant.

* * * * *

Case No. 15-CR-00252 (PKC)

Brooklyn, New York

December 15, 2015

TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government:

PAUL A. TUCHMANN, ESQ.
Asst. United States Attorney
United States Attorney's Office
271 Cadman Plaza
Brooklyn, NY 11201

For the Defendant:

MANUEL J. RETURETA, ESQ.
Retureta & Wassem, PLLC
1614 Twentieth Street, NW
Washington, DC 20009

Proceedings recorded by electronic sound recording,
transcript produced by transcription service.

Fiore Reporting and Transcription Service, Inc.
4 Research Drive, Suite 402
Shelton, Connecticut 06484 (203)929-9992

1 (Proceedings commenced at 2:49 p.m.)

2 THE CLERK: Criminal cause for arraignment, case
3 no. 15-CR-252, United States vs. Rafael Callejas. Counsel,
4 your name for the record.

5 MR. TUCHMANN: Paul Tuchmann for the United States.
6 Good afternoon, Your Honor.

7 THE COURT: Good afternoon.

8 MR. RETURETA: Good afternoon, Your Honor. On
9 behalf of Mr. Callejas, Manuel Retureta.

10 THE COURT: Good afternoon. Good afternoon, sir.

11 THE DEFENDANT: Good afternoon, Your Honor.

12 THE COURT: Could you say your name for the record,
13 please.

14 THE DEFENDANT: Rafael Leonardo Callejas.

15 THE COURT: Thank you.

16 All right. This is your initial appearance here on
17 an indictment. I'm going to advise you that you have a right
18 to remain silent.

19 THE INTERPRETER: The interpreter, Your Honor,
20 would request instruction. Should the interpreter interpret
21 or remain on standby?

22 THE COURT: Would you prefer not -- all right.

23 So at this point the interpreter will be on
24 standby.

25 All right. So I'm going to advise you you have a

1 right to remain silent. Anything you say here today can be
2 used against you. Even if you've made statements to the
3 government, you don't have to say anything else and your
4 attorney is standing right next to you. Feel free to consult
5 with him privately at any time.

6 THE DEFENDANT: Thank you, Your Honor.

7 THE COURT: Have you had a chance to either look at
8 the superceding indictment, which is quite massive, or have
9 the charges been explained to you before you appeared here
10 today?

11 THE DEFENDANT: Yes, I have, Your Honor.

12 THE COURT: Do you understand the charges against
13 you?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Counsel, are you satisfied that your
16 client understands the charges against him?

17 MR. RETURETA: I do, Your Honor. And we would
18 waive a formal reading of the indictment. We would enter a
19 plea of not guilty at this time.

20 We have executed an excludable time period under
21 the Speedy Trial Act until March 16th, 2016 and we represent
22 to the court that we will not be submitting a bail package at
23 this time.

24 THE COURT: All right. Do you understand what your
25 lawyer said?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Do you understand your Speedy Trial
3 rights?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. Would you like me to
6 explain it again or did your lawyer explain it to you?

7 THE DEFENDANT: Please do, Your Honor.

8 THE COURT: All right.

9 You were just arraigned on an indictment. Under
10 American law you have a right to a speedy trial. That means
11 that the government has to bring your case to trial within 70
12 days of today, the time of your arraignment.

13 This paper, which I believe you signed --

14 THE DEFENDANT: Yes.

15 THE COURT: -- is an application to exclude time.

16 In other words, to stop the Speedy Trial clock so
17 that it would not start until February 15th -- I'm sorry.
18 Yes. It would not start until March 16th. So the time from
19 today, December 15th, up until March 16th would not count
20 towards the 70 days when the government has to bring this
21 case to trial.

22 THE DEFENDANT: I understand, Your Honor.

23 THE COURT: And the reason listed here is that you
24 and your attorney need additional time to prepare for trial
25 because of the complexity of the case.

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: All right. Do you have any questions
3 about what I said or about what you're doing at this time?

4 THE DEFENDANT: No, Your Honor.

5 THE COURT: Are you making this decision
6 voluntarily? Did you agree to do this freely, of your own
7 free will?

8 THE DEFENDANT: Yes, sir. Yes, Your Honor.

9 THE COURT: Did anyone force you or threaten you to
10 make you agree to exclude this time?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: And have you consulted with your lawyer
13 before making this agreement?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Counsel, are you satisfied that his
16 consent is knowing and voluntary?

17 MR. RETURETA: I am, Your Honor.

18 THE COURT: Okay. All right. The application's
19 granted.

20 MR. TUCHMANN: Just for the record, Your Honor,
21 Judge Dearie is aware of the application and agrees to the
22 exclusion of the speedy trial time.

23 THE COURT: Okay. And is there a conference on the
24 15th or the 16th? Is that a special date?

25 MR. TUCHMANN: Yes, there is a status conference

1 scheduled on March 16th at noon.

2 THE COURT: Okay. Great. Anything else?

3 MR. TUCHMANN: No, Your Honor. That's it.

4 MR. RETURETA: That's it, Your Honor.

5 THE COURT: Thank you.

6 MR. RETURETA: Thank you very much. Have a good
7 day.

8 I, CHRISTINE FIORE, court-approved transcriber and
9 certified electronic reporter and transcriber, certify that
10 the foregoing is a correct transcript from the official
11 electronic sound recording of the proceedings in the above-
12 entitled matter.

13
14 

15 _____ June 8, 2020

16 Christine Fiore, CERT
17
18
19
20
21
22
23
24